

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)
)
 Amendment of Section 73.202(b),)
 Table of Allotments,)
 FM Broadcast Stations)
 (Gaylord, Michigan))

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FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Darby Advertising, Inc., the licensee of WMJZ-FM, Gaylord, Michigan, by its attorneys, pursuant to Section 1.401 of the Commission's rules, hereby requests the institution of a rule making proceeding for the amendment of Section 73.202(b), the FM Table of Allotments, to substitute Channel 268A for Channel 237A at Gaylord, Michigan, and modify the facilities of WMJZ-FM, Gaylord, Michigan to specify operation on Channel 268A.¹ It is requested that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Gaylord, Michigan	237A, 294C1	268A, 294C1

The substitution of Channel 268A for Channel 237A at Gaylord, Michigan is requested by WMJZ-FM to cure short spacing between the WMJZ-FM facility on Channel 237A and an allotment to Sault Ste. Marie, Ontario on Channel 238C. As shown in the attached Engineering Report of E. Harold Munn, Jr. & Associates, Inc., the present WMJZ-FM facility is short spaced by 27.38 kilometers to a Canadian Channel 238C allotment at Sault Ste. Marie, Ontario. To remedy this short spacing, WMJZ requests the substitution of Channel 268A for Channel 237A at Gaylord, Michigan.

The short spacing between the Ontario Channel 238C allotment and WMJZ-FM, Gaylord, Michigan arose from the adoption of increased separation distances for Class A stations in the *Amendment of Part 73 of the Rules to provide for an additional FM station class (Class C3) and to increase the maximum transmitting power for Class A FM stations, Second Report and Order*, MM Docket No. 88-375, 4 FCC Rcd 6375 (1989) (*Second Report and Order*), and is prevented from

¹ The reference coordinates requested for the allotment of Channel 268A to Gaylord, Michigan are the licensed coordinates for WMJZ-FM. Those coordinates are 45° 01' 33" North Latitude, 84° 39' 40" West Longitude. This site is located approximately 1.36 kilometers (0.84 miles) east-northeast of the community center.

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operating with maximum Class A facilities. The Commission has routinely allowed for adjacent and nonadjacent channel modifications of the same class in order to cure short spacing created by the increased spacings adopted in the *Second Report and Order*. See *Edmond, Oklahoma*, 7 FCC Rcd 7533 (1992) (equivalent Class A substitution allowed to cure short spacing created by MM Docket No. 88-375); *South Hill and Lawrenceville, Virginia*, 7 FCC Rcd 7843 (1992) (non-adjacent exchange of channels between two existing Class A stations); *Seminole, Oklahoma*, 7 FCC Rcd 6811 (1992) (equivalent Class A substitution proposed); and *Walton and Rochester, Indiana*, 7 FCC Rcd 5486 (1992) (non-adjacent equivalent Class A channel substitution proposed).

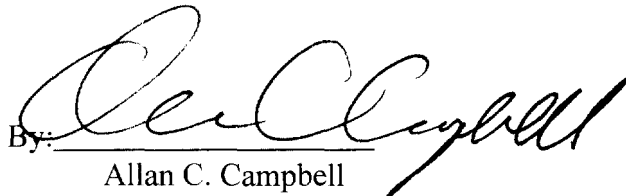
The Commission allowed a similar proposal for modification of license by the exchange of non-adjacent channels in order to remedy the short spacing of WHST-FM Tawas City, Michigan by a Canadian Channel 297C allotment to Sault Ste. Marie, Ontario. See *Tawas City, Michigan*, 9 FCC Rcd 4794 (1994), *recon. denied*, 10 FCC Rcd. 6108 (1995). It is submitted that the public interest would be equally served by the elimination of short spacing between the domestic WMJZ-FM facility and the foreign allotment, as is proposed here.

Darby Advertising, Inc. will promptly modify its operation to Channel 268A when so authorized. Darby recently acquired station WMJZ-FM (on December 31, 1997) and is anxious to improve the technical facilities of the station.

WHEREFORE, for the reasons above, the substitution of Channel 268A for Channel 237A at Gaylord, Michigan, and the modification of the facility of WMJZ-FM, Gaylord, Michigan to specify operation on Channel 268A, is respectfully requested.

Respectfully submitted,

DARBY ADVERTISING, INC.

By: 

Allan C. Campbell
Its Attorney

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May 26, 1998

ENGINEERING REPORT

**RULEMAKING TO AMEND §73.202(b)
GAYLORD, MICHIGAN
ON BEHALF OF
WMJZ(FM)**

May 1998

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E. Harold Munn, Jr. & Associates, Inc.
Broadcast Engineering Consultants
Coldwater, MI 49036

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CERTIFICATION OF ENGINEERS

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

May 18, 1998

E. HAROLD MUNN, JR. & ASSOCIATES, INC.

By 
Wayne S. Reese, President

100 Airport Drive, P. O. Box 220
Coldwater, Michigan 49036

Telephone: (517) 278-7339

ENGINEERING STATEMENT

In Support of a Petition to Amend §73.202(b)

The firm of E. Harold Munn, Jr. & Associates, Inc., was retained to prepare this Engineering Statement in support of a petition to amend 47 C.F.R. §73.202(b), the FM Table of Allotments.

FM Channel 237A, 95.3 MHz, is allotted to Gaylord, Michigan, and is in use by the licensee of WMJZ(FM). However, this allotment is short-spaced to the allotment site of Channel 238C at Sault Ste. Marie, Ontario, Canada. This spacing relationship is tabulated as Figure 1 in this report. It has been determined that a channel substitution may be made which would eliminate this short-spacing.

It is proposed to amend the FM Table of Allotments to substitute Channel 268A, 101.5 MHz, at Gaylord, MI. A special reference point is provided to accommodate the petitioner's desired transmitter site. This site meets all of the spacings of §73.207(b)(1)(2).

Data contained in this report is responsive to the requirements of the Rules, as amended.

Figure 2 is a pertinent portion of the computer study which demonstrates that, at the reference point listed, and for the class of station proposed, all the required separation are fully met for the allotment of Channel 268A. The map exhibit, Figure 3, shows the "open area" for the use of Channel 268A.

The reference point considered for this study is NL 45°01'33"; WL 84°39'40". This is a point proximate to the city of Gaylord from which the 3.16 mV/m (70 dBu) contour of the proposed facility would encompass the entire community. This site is located 1.36 kilometer (0.84 miles) east-northeast of the community center. This is the licensed site of WMJZ(FM).

It is requested that 47 C.F.R. §73.202(b) be amended as follows, and that the license of WMJZ(FM), BLH-860327KD, be modified to specify operation on the new channel.

<u>CITY, STATE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Gaylord, MI	237A, 294C1	268A, 294C1

E. Harold Munn Jr. & Associates Inc.
P.O. Box 220 - Coldwater MI 49036

FIGURE 1 - TABULATION OF PRESENT SPACINGS
WMJZ - GAYLORD MICHIGAN

REFERENCE	CLASS = A	DISPLAY DATES				
45 01 33 N	Current Spacings	DATA 05-09-98				
84 39 40 W		SEARCH 05-17-98				
----- Channel 237 - 95.3 MHz -----						
Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.		HAAT			
WMJZFM LI 237A	Gaylord	MI	0.00	0.0	115.0	-115.00
45 01 33	84 39 40	C CN	3.000 kW	99 M		
Classic Radio, Inc. BLH860327KD 960710						
Accepted by Canada on 930825-Specially negotiated, short-spaced allotment						
AL238 AL 238C	Sault Ste Marie	ON	167.62	8.6	195.0	-27.38
46 31 00	84 20 00	A	0.000 kW	0 M		
921004						
SPEC. NEGTD SHORT-SPACED ALLOC. - LTD TO 100KW/300M OR EQUIV.						
WJZJ LI 238C2	Glen Arbor	MI	107.85	258.3	106.0	1.85
44 49 16	85 59 47	C CN	21.000 kW	225 M		
Rylinds Ltd. of Glen Arbor BLH970212KB 980105						
From Channel 240A per D89-385						
Specially negotiated, short-spaced allotment.						
WKJZ LI 235C2	Hillman	MI	58.22	90.3	55.0	3.22
45 01 15	83 55 21	C CN	50.000 kW	150 M		
Carroll Enterprises, Inc. BLH940103KA 940621						
WKHQFM LI 290C1	Charlevoix	MI	38.38	296.8	22.0	16.38
45 10 49	85 05 50	C CN	100.000 kW	272 M		
MacDonald Broadcasting Compan BLH960603KB 970207						
WCFX LI 237A	Clare	MI	142.80	184.6	115.0	27.80
43 44 41	84 48 09	C CN	6.000 kW	100 M		
Makin-Hults Broadcasting, Inc BMLH901227KB 960710						
Class B1 with respect to Canada						
ALOPEN AL 240A	Fife Lake	MI	73.81	227.6	31.0	42.81
44 34 36	85 20 54	C N	0.000 kW	0 M		
97-25 WO= 970908 970908						
Proposed as Class B1 to Canada 970127-Limited to 6kw ERP and 100m HAAT or the equivalent.						
Effective 9-8-97 per D97-25						
WCMBFM CP 239C2	Oscoda	MI	98.41	113.0	55.0	43.41
44 40 29	83 31 06	C CN	25.000 kW	213 M		
Central Michigan University BPED921023MA 980317						
Commercial Channel Operating Educational						
Proposed as Class C1 to Canada 980316-Specially negotiated, short-spaced allotment limited to 50kw ERP and 213m HAAT or the equivalent along the 343.1 degree azimuth toward channel 238C in Sault Ste Marie, ON and along the 36.5 degree azimuth toward channel 239 in Espanola, ON						
AP240 AP 240A	Fife Lake	MI	74.44	223.9	31.0	43.44
44 32 32	85 18 43	C CN	6.000 kW	100 M		
Roy E. Henderson d/b/a Fife L BPH971009MI 971223						
Amended 971110 to correct coordinates.						

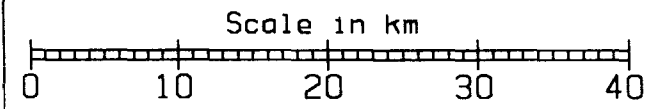
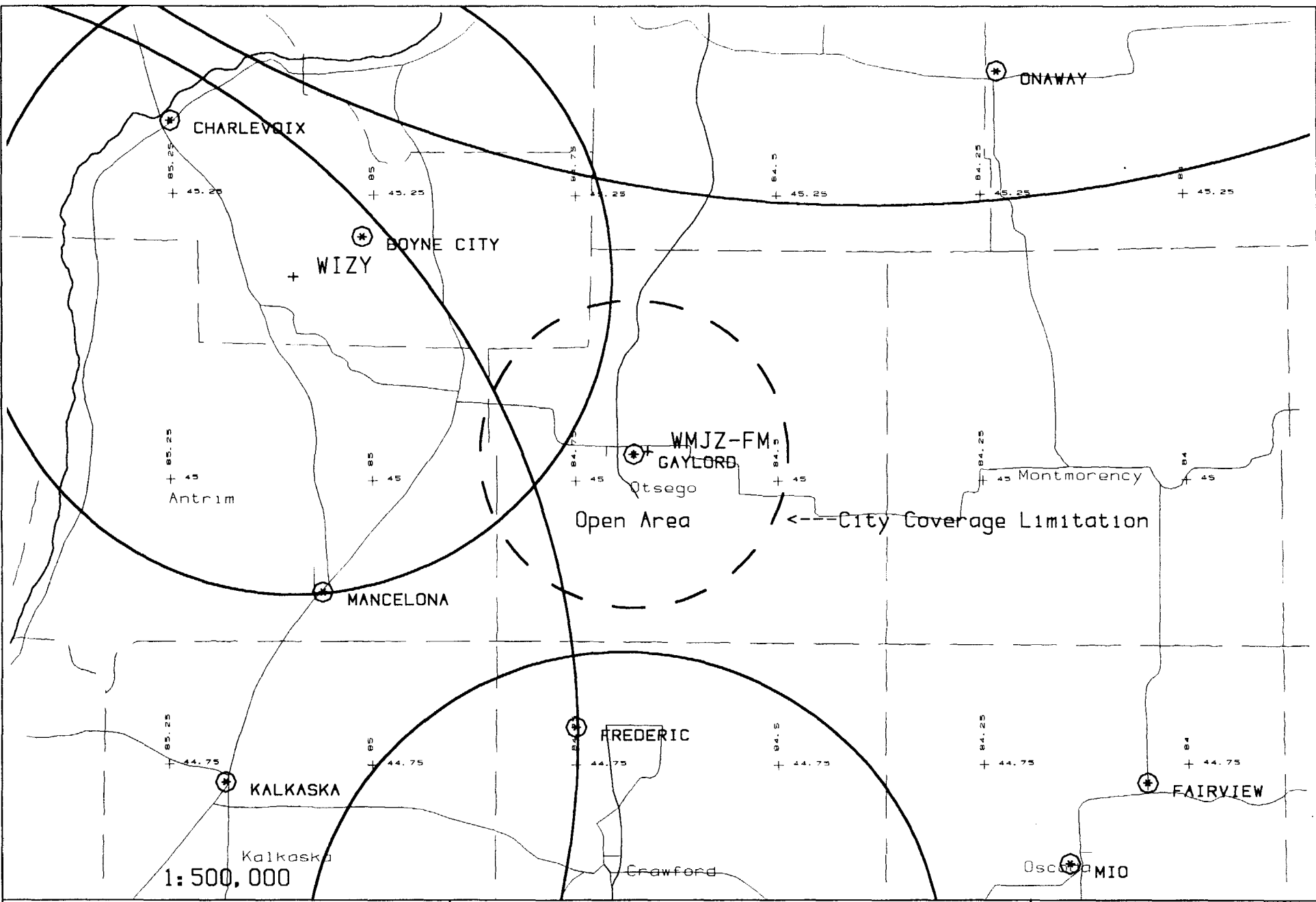
E. Harold Munn Jr. & Associates Inc.
P.O. Box 220 - Coldwater MI 49036

FIGURE 2 - TABULATION OF ALTERNATE CHANNEL SPACINGS
WMJZ - GAYLORD MICHIGAN

REFERENCE	CLASS = A	DISPLAY DATES
45 01 33 N	Current Spacings	DATA 05-09-98
84 39 40 W		SEARCH 05-17-98

----- Channel 268 - 101.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
WIZY	LI 265A	East Jordan MI	38.39	296.3	31.0	7.39
45 10 40	85 05 57	C CN 2.800 kW		149 M		
		Interlochen Center for the Ar		BLH890703KA	960710	
		Class B1 with respect to Canada				
WLDR	LI 270C1	Traverse City MI	86.48	251.1	75.0	11.48
44 46 13	85 41 43	C CN 100.000 kW		192 M		
		Great Northern B/Casting Syst		BLH920403KB	930112	
WQON	LI 266A	Roscommon MI	50.62	182.8	31.0	19.62
44 34 15	84 41 33	C CN 3.400 kW		135 M		
		Lakes Advertising, Inc.		BLH900322KB	960905	
		Class B1 with respect to Canada				
WSUE	LI 267C1	Sault Ste. Marie MI	158.47	7.9	133.0	25.47
46 26 16	84 22 42	C CN 90.000 kW		67 M		
		Fabiano-Strickler Communicati		BLH7453	960905	
WXYQ	LI 268A	Manistee MI	158.19	235.3	115.0	43.19
44 12 18	86 17 22	C CN 6.000 kW		35 M		
		Bay View Broadcasting, Inc.		BLH940630KE	950418	
		Accepted by Canada on 921013				
WPRJ	LI 269A	Coleman MI	135.84	173.4	72.0	63.84
43 48 41	84 27 57	C CN 4.600 kW		114 M		
		Come Together Ministries, Inc		BMLH970527KC	970827	
		*To Channel 269A per D95-7				
AD269	AD 269	Elliot Lake ON	219.39	45.6	149.0	70.39
46 23 16	82 37 16	A N 0.000 kW		0 M		
					921004	
CANADIAN PROPOSAL						
AP215	AP 215A	Rose Township MI	83.73	141.8	10.0	73.73
44 25 58	84 00 33	C VN 5.000 kW		21 M		
		Bible Baptist Church		BPED980211MB	980330	
		Vertical Polarization Only-Amended		980211		
		Proposed as Class A to Canada		980327		



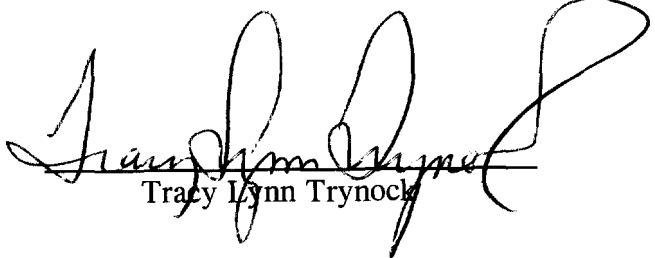
Channel 268A Transmitter Open Area
N. Lat. 45 01 33 W. Lng. 84 39 40

FIGURE 3 - WMJZ
MUNN & ASSOC. - 05/98

CERTIFICATE OF SERVICE

I, Tracy Lynn Trynock, hereby certify that on this 26th day of May, 1998, copies of the foregoing "Petition For Rulemaking" have been served by hand delivery upon the following:

John A. Karousos
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.
Room 565
Washington, D.C. 20554



Tracy Lynn Trynock